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REMARKS

Claims 1-44 are currently pending, with claims 2, 4-7, 9, 11-17, 19, 21-26, 28, 30-35, 37 and 39-44 being withdrawn from consideration. By way of the present response, claims 1 and 3 are amended. Reconsideration and withdrawal of the rejection of the claims is respectfully requested.

The most recent Office Action alleges, "because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election is being treated as an election without traverse." It is respectfully submitted that this statement is inaccurate. Starting at the penultimate line of page 16, Applicants' response traverses the Examiner's characterization in restriction requirement that no claim is generic. This traversal remains unanswered.

The Examiner also maintained the rejection claims 1, 3, 8, 10, 18, 20, 27, 29, 36 and 38 under 35 U.S.C. §102(e) as allegedly being anticipated by Nakamura et al. (U.S. Patent Application Publication No. 2002/0134981). In the paragraph spanning pages 5 to 6, the Examiner asserts that Applicants' arguments of September 6, 2005, were not considered persuasive. More specifically, it is asserted that Applicants' arguments concerning the Nakamura publication failure to teach a second amorphous silicon layer having the claimed concentrations recited in claim 1 is incorrect. The Examiner goes on to assert that "Nakamura teaches in multiple places a second amorphous silicon layer having the claimed concentration; for example, page 6, [0071-layer 107 is the second amorphous silicon layer]; page 7 [0083]; [0091] etc... Applicant is responsible for the reference as a whole." However, the Examiner fails to address the vast majority of Applicants' remarks, which pointed out, in detail, a number of differences from the claimed invention and the description in Nakamura publication (see, page 14, line 26 to page 16, line 1 and lines 12-22).

The undersigned attempted to telephonically contact the Examiner to discuss the distinctions apparently overlooked by the Examiner, but an interview was refused on the basis that it is her policy not to grant interviews after final rejection and that Applicants had not paid for a one month extension of time. It is respectfully submitted that the Examiner's policies and practices are not consistent with the Manual of Patent Examiner Procedure (MPEP). For example, MPEP § 714.12, at page 700-236, states, "The prosecution of an application before the examiner should ordinarily be concluded with the final action.

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However, one personal interview by applicant may be entertained after such final action is circumstances warrant" (emphasis added), and MPEP § 706.07(f)(III)(K) states, "Interviews may be conducted after the expiration of the shortened statutory period for reply to a final office action but within the 6-month statutory period for reply without the payment of an extension fee" (emphasis added). It is respectfully submitted that the Examiner should have granted Applicants an interview based on the foregoing instructions as clearly stated in the MPEP with respect to interview practice after a final Office Action.

Furthermore, the Examiner's allegations are unfounded, as there is no description in the Nakamura publication whatsoever of that which is claimed. For instance, in response to Applicants' amendments and detailed arguments related to independent claim 3, the statements of the rejection merely recite the same text, word-for-word, which were provided in the section spanning pages 3 to 4 of the Office Action dated May 3, 2005. That is, Applicants amended claim 3, but the Examiner appears to have missed, overlooked or failed to appreciate the amendments made in Applicants' September 6, 2005, response. In particular, claim 3 recites, among other features, processes of "forming a second amorphous semiconductor film over the first amorphous semiconductor film ... heating the first amorphous semiconductor film and the second amorphous semiconductor film." In the Action, however, the Examiner continues to read features from the originally filed claim. Moreover, the Action mentions "forming a second amorphous film on the first crystalline semiconductor film," "heating the first crystalline film," and discusses the language "heating the first amorphous semiconductor film to form a first crystalline semiconductor film," (see, page 3, lines 16-17), but claim 3 does not recite this language. The rejection of claim 3, therefore, is clearly improper and withdrawal is warranted at least for these reasons.

Furthermore, Applicants pointed out that the Nakamura publication failed to describe a second amorphous semiconductor film including nitrogen at a concentration of 1×10^{18} atoms/cm³ or lower, oxygen at a concentration of 8×10^{19} atoms/cm³ or lower, and noble gas at a concentration of 1×10^{20} atoms/cm³ or higher, as set forth in independent claims 1 and 3. In connection with these features, the Examiner asserts that the layer 107 of the Nakamura publication corresponds the claimed "second amorphous layer" (see, page 6, line 1). Examiner again asserts that page 9, paragraph 0117 and page 3, paragraphs 0022-0023 of the Nakamura et al. publication discloses a second amorphous semiconductor film including

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nitrogen at a concentration of 1×10^{18} atoms/cm³ or lower, oxygen at a concentration of 8×10^{19} atoms/cm³ or lower, and noble gas at a concentration of 1×10^{20} atoms/cm³ or higher, as claimed. Applicants do not dispute the fact that Nakamura describes adding a rare gas element to the layer 107 (e.g., see Figure 1D). However, the Examiner is wrong to assert that semiconductor film 107 is being discussed in paragraph 0023. Rather, this paragraph describes a device active film that is to be crystallized for forming a TFT (see page 3, paragraph 0022 or page 4, paragraph 0059). In other words, the oxygen concentration mentioned in Nakamura et al. is an oxygen concentration in the TFT active layer and not the amorphous semiconductor film 107. Because the semiconductor film 107 of Nakamura, which serves as a gettering sink, is different from the semiconductor film to be crystallized in which an impurity region is to be formed, the oxygen concentration of the film relied upon by the Examiner is not the same as that of the second amorphous semiconductor film of the pending claims.

Additionally, Applicants pointed out that the Group 15 (such as N, As or P) element described in Nakamura concerns an impurity region in a TFT device active layer (see, page 16, lines 12-22). However, the Examiner does not address these arguments pointing out the erroneous characterization of the Nakamura publication.

For at least these reasons, the Nakamura publication fails to describe Applicants' claimed invention within the meaning anticipation under Section 102. Absent a showing of all the claimed features, the rejection is improper and its withdrawal warranted.

Claims 8, 10, 18, 20, 27, 29, 36 and 38 depend from one of claims 1 and 3, and are therefore patentable at least for the above reasons. In addition, these claims recite combinations including additional features not described in the Nakamura et al. application publication.

Finally, independent claims 1 and 3 are amended to recite the functional language "wherein the second amorphous semiconductor film serves as a gettering sink," with hope that the Examiner will take better notice of clear differences between the presently claimed invention and what is described in the Nakamura publication.

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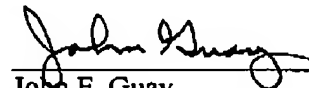
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In view of the foregoing, it is respectfully requested that the rejection of record be reconsidered and withdrawn by the Examiner, and that the application be passed to issue without further delay.

Respectfully submitted,



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